

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- x
MICHAEL GAFFNEY,

Plaintiff,

-against-

MUHAMMAD ALI ENTERPRISES LLC;
AUTHENTIC BRANDS GROUP LLC; ROOTS
OF, INC., d/b/a ROOTS OF FIGHT; and DOES 1-
10,

Defendants.
----- x

ORDER

18 Civ. 8770 (GBD) (OTW)
20 Civ. 7113 (GBD) (OTW)

GEORGE B. DANIELS, United States District Judge:

On February 27, 2024, this Court granted Defendants’ Motion *in Limine* No. 1 (ECF No. 211¹), precluding Plaintiff from offering evidence or argument about alleged damages incurred more than three years before Plaintiff filed the relevant claims, without prejudice to restoring such claims if the Supreme Court were to reverse the Second Circuit’s decision in *Sohm v. Scholastic Inc.*, 959 F.3d 39 (2d Cir. 2020). (ECF No. 277.)

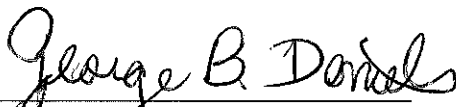
On May 9, 2024, the Supreme Court indeed abrogated *Sohm* in *Warner Chappell Music, Inc. v. Nealy*, 144 S. Ct. 1135 (2024). In the wake of the *Warner Chappell* decision, Plaintiff now moves, unopposed, for reconsideration of this Court’s decision on Defendants’ Motion *in Limine* No. 1. (ECF No. 284.) Plaintiffs’ motion for reconsideration is GRANTED, and Defendants’ Motion *in Limine* No. 1. is DENIED. *See Virgin Atl. Airways, Ltd. v. Nat’l Mediation Bd.*, 956 F.2d 1245, 1255 (2d Cir. 1992) (citing “an intervening change of controlling law” as a “major ground[] justifying reconsideration” (internal citation omitted)).

¹ Unless otherwise indicated, all ECF citations included herein refer to documents filed on the 18-cv-8770 docket.

The Clerk of Court is directed to close the motions at ECF No. 284 in 18-cv-8770 and at ECF No. 165 in 20-cv-7113.

Dated: New York, New York
May 23, 2024

SO ORDERED.



GEORGE B. DANIELS
United States District Judge